

**TOWN OF HADDAM  
ZONING BOARD OF APPEALS  
PUBLIC HEARING AND MEETING  
TOWN HALL  
21 FIELD PARK DRIVE, HADDAM, CT  
THURSDAY, 25 APRIL 2019  
UNAPPROVED MINUTES  
*Subject to Approval by the Board***

**ATTENDANCE**

A	Thomas Berchulski
A	Margo Chase-Wells
X	Mary Hickish (7:36 p.m.)
A	Robin Munster, Chairman
X	Kenneth Wendt
X	William Iselin, Alternate – Seated
X	Jessica Labbe, Alternate – Seated
X	Anthony Matterazzo, Alternate – Seated
A	Bill Warner, Town Planner
X	Bunny Hall Batzner, Recording Clerk

**1. Call to Order**

Mr. Wendt, acting chairman, called the meeting to order at 7:33 p.m.

**2. Attendance**

Attendance was taken and all regular and alternate members were seated.

Mr. Wendt asked Mrs. Batzner to explain the public hearing process, which she did. Mr. Wendt read the Legal Notice, as printed in the Haddam News, into the record.

**3. PUBLIC HEARING**

**Request for a Side Yard Variance to Section 4 and Table 1 of the Zoning Code to Authorize the Construction of a Detached Garage to be within 7 Feet and 5 Feet of the Side Property Lines Rather than the Required 10 Feet and 15 Feet at 40 Landing Road in the R1 Zone. Applicant Carrah Kalat.**

Carrah Kalat, owner/applicant, Roger Nemergut, P.E., and Steve Rocco, architect, representing Ms. Kalat, were present.

Ms. Kalat submitted into the record four (4) Certificates of Mailing (Exhibit A).

Ms. Kalat explained that the previous owner had plotted out a garage lower on the property that was not constructed, that the lot is uniquely shaped, and that the septic system is too close to the existing home and currently is failing; therefore, a complete replacement is required (new leaching field to be placed where previous garage was plotted out). Ms. Kalat stated that the vast majority of the homeowners on Landing Road have detached garages and that the garage level of the proposed structure will be built into a hill and the second level will have walkout office space and storage. Ms. Kalat also stated architecturally it will blend with the other homes/garages in the neighborhood.

Using the elevations submitted with application, as well as photos (aerial and ground level; not submitted into the record), Ms. Kalat pointed out the location of the existing house and the proposed garage. Jeff Haynosch, abutting property owner, asked if he may view the pictures with Ms. Kalat stating yes. Mr. Nemergut reported that the property is .26 acres; and using the map, pointed out Landing Road, the railroad tracks, and the property and right-of way (ROW) line (one and the same) noting that a part of the existing house extends into the railroad's ROW. Mr. Nemergut noted there are other houses in Higganum that also extend into the railroad's ROW and they have been there historically. Mr. Nemergut stated that a portion of the septic system (a dry well) is also with the railroad's ROW and they would like to bring the entire septic system onto Ms. Kalat's property for full control.

Mr. Nemergut described the following: 1) Topography of the property - from Landing Road there's a flat area and then the property pitches up to a high flat area. 2) Well - not onsite, but across the street on another property. Water line goes under Landing Road to reach the property; does have water rights). 3) Setbacks - side and rear setbacks are much constrained as opposed to a front setback (pointed out). Mr. Nemergut stated if the garage were proposed for the front, a much larger variance would have been requested and there are limits as to how close you can get to a water line with a leaching system. Due to these issues, the leaching system had to be pushed further back.

Mr. Nemergut reported the proposed two car garage is 24 feet by 24 feet with office space and a half bath above (could not be legally used as a bedroom and is not intended to be). Mr. Nemergut explained the placement of the driveway off of Landing Road, the 15 percent grade, and the garage being placed in the second flat area to allow for a small turnaround (cannot be moved further down due to a small stone retaining wall and an elevation difference of five (5) feet).

Mr. Nemergut stated he believes the hardship is topography, setbacks, and water service line. Mr. Nemergut also stated there's a 15 foot drop off from the property down to the tracks creating a bit of a buffer with the ROW. Mr. Nemergut noted that they did look at other alternatives.

Mr. Nemergut reported a new septic system that will be fully on Ms. Kalat's property and waivers have been submitted to the Connecticut River Area Health District (CRAHD) and that there were two or three minor comments that have been addressed. Mr. Nemergut stated they are awaiting comment from the state to allow two structures into one system, which they expect to receive; and if not, the half bath will be removed.

Mr. Matterazzo asked the location of the existing septic system on the map which Mr. Nemergut pointed out. Mr. Nemergut stated the septic tank only services the second and third floors of the existing house and it's believed the first floor goes out to the dry well in the back. Mr. Nemergut also stated it's unclear whether the upper system, by gravity, goes to the tank as they were unable to identify a separate leaching system and that there could be as many as two leaching fields (a split system). Mr. Nemergut reported the existing system for the second and third floors will be removed and replaced with a code compliant septic tank and leaching system.

Mr. Wendt asked the age of the house. Ms. Kalat state 1841 (178 years old).

Mr. Matterazzo asked if the leaching field will be in the front. Mr. Nemergut explained that a new tank only has to be 10 feet off a building as opposed to a leaching field; and since the existing system is already plumbed to come out of the side of the house for the second floor the new tank will be placed there. Mr. Nemergut stated Schedule 40 PVC piping will run downhill to the leaching system located to the right of the driveway. Mr. Matterazzo asked how many bedrooms. Mr. Nemergut stated three bedrooms. Mr. Matterazzo asked the size of the leaching field. Mr. Nemergut stated 23 feet long and explained how the system works noting it is not an experimental system. Mr. Matterazzo asked if a secondary location is required. Mr. Nemergut stated only on new construction is that required, not on repairs.

Jeff Haynosch, abutting property owner to the left (pointed out on map), believes the variance request will encroach his property (structure potentially on his property and/or blocking his view). Mr. Haynosch

stated the house is nice, the design of the garage is nice; however, if the garage were smaller (1.5 car), a variance wouldn't be required. Mr. Haynosch asked the Board to delay their decision for one month to allow him to obtain a survey of his property and to speak to Ms. Kalat regarding the proposal. Mr. Matterazzo asked where Mr. Haynosch's house was in relation to the garage. Using the aerial photo, Mr. Haynosch pointed out his house.

Mr. Nemergut stated that an A-2 survey was done in 2011 of Ms. Kalat's property. Mr. Nemergut also stated pin points were given; and if Mr. Haynosch would like, he would be happy to show where the control points are along the property line. Mr. Haynosch stated he's seen the metal pipes; and again is requesting a 30 month delay to obtain a survey. Mr. Haynosch asked what an A-2 survey means. Mr. Nemergut explained. Mr. Matterazzo asked if Ms. Kalat's survey is on file. Mr. Nemergut stated he did not check with the Town Clerk's Office to see that it was filed, but he does have a copy of the survey.

Mr. Wendt asked Mr. Haynosch the age of his property. Mr. Haynosch stated 1888-1889 (131-130 years old).

Eric Twachtman stated that the survey recognized that there was an old town road, Boardman Road, in between the two properties that was never abandoned. Mr. Matterazzo asked if it was a cart road with Mr. Twachtman responding yes. Mr. Matterazzo stated cart roads were abandoned by the town some time ago.

Mr. Rocco stated that he had heard that the road used to go down to Landing Road until the train came through and it was cut off. Mr. Rocco also stated that's why the house is over the property line as the house was there before the train came through.

Mr. Matterazzo asked how there would be an infringement on Mr. Haynosch's property if there were a cart road going between the two properties. Ms. Kalat showed a small scale survey of the property that she received when she purchased the property (not submitted into the record) and pointed out the road in question. Mr. Matterazzo stated if there is a cart road, the variance would become less. Mr. Nemergut stated he believes the survey indicates the status of Boardman Road as unknown. Mr. Nemergut also stated if the road was officially abandoned, the property lines would go to the center of the road. Discussion followed at length in regard to the abandonment of a town road.

Ed Stanton, Landing Road, stated based on the overview, the road went between the old Huntington house and the store. Mr. Stanton also stated in the 1980s, the Heises had an addition put on their house that cut across where Boardman cut to the Landing Road. Mr. Stanton believes someone must have made a decision at that time.

David Papallo, former ZBA member, stated in the past the town planner would provide input; and asked if the planner had done so. Mrs. Batzner stated Bill Warner, town planner, did not mention Boardman Road in his email, dated 3 April 2019; however, he did state he saw no reason not to approve the variance. Mr. Wendt had a copy of the email and Mrs. Batzner read it into the record (Exhibit B; copy on file in the Town Clerk's Office and the Land Use Office). Mr. Matterazzo stated the road is a new issue and neither Ms. Kalat's survey nor Mr. Haynosch have addressed the issue and there should be a determination made regarding the status of the road.

Ms. Kalat asked what the status of the road would have to do with the Board's decision. Mr. Matterazzo stated the Board would be approving a variance on the property line and the property line could be different from what is being represented.

Mr. Twachtman stated he had spoken to Mr. Warner in regard to the road and it was suggested that they mention something about the road; but during the conversations about the garage and the property lines, Mr. Warner was not concerned about the status of the road nor were they (Kalat and Twachtman) asking for the road to be abandoned. Mr. Matterazzo stated if the road has not been abandoned, the presentation is on target; however, if it has been abandoned, the presentation is not on target.

Ms. Hickish asked how a surveyor could say with 100 percent certainty that the property line is what's being claimed if the status of the road is unclear. Discussion followed at length with Mr. Nemergut noting that surveyors will research land records to assist them in determining property lines. Mr. Haynosch stated he has always considered the road his, but he would like to obtain an accurate survey prior to the decision being made and the garage being built as it could encroach on his property and his view.

Discussion followed in regard to whether or not the survey was presented in 2011 and if presented, should have taken into consideration Mr. Haynosch's property at that time. Ms. Kalat listed her surrounding neighbors. Mr. Wendt asked if letters went to all bordering property owners. Ms. Kalat stated yes and Mrs. Batzner stated yes, based on the Certificates of Mailing. Mr. Matterazzo stated if there's no down side as to whether or not the road is abandoned, the Board should move forward.

Mr. Rocco reported that he designed the proposed structure to resemble a traditional New England outbuilding with vertical wood siding and stone at the base. Mr. Rocco stated a lot of the traditional barns have a drive-in at the base and access on the upper level.

Mr. Wendt asked if there were additional comments before closing the public hearing. Mrs. Batzner stated a motion to close the public hearing was needed; however, once it was closed, the Board could not take in any further information or comments from the public.

**MOTION:** Mary Hickish motioned to close the public hearing at 8:20 p.m. Ken Wendt second. Motion carried unanimously.

#### **4. PUBLIC MEETING**

**Request for a Side Yard Variance to Section 4 and Table 1 of the Zoning Code to Authorize the Construction of a Detached Garage to be within 7 Feet and 5 Feet of the Side Property Lines Rather than the Required 10 Feet and 15 Feet at 40 Landing Road in the R1 Zone. Applicant Carrah Kalat.**

**Board members seated: Wendt, Iselin, Labbe, and Matterazzo.**

Discussion followed amongst the members regarding the cart road (whether or not was abandoned); whether or not a survey is needed if the land records could be researched; a change to the variance footage if the cart road has been abandoned; and obtaining additional information prior to making their decision. Mrs. Batzner noted that the Board had closed the hearing and that they can only receive additional information from Mr. Warner. Discussion followed in regard to the number of votes in the affirmative would be required for the variance to pass and whether or not to table the decision until the Mr. Warner was present.

Ms. Labbe asked if all the neighbors were aware of this proposal and if anyone spoke negatively against it. Mrs. Batzner reported that there were no objections from the neighbors other than Mr. Haynosch coming before the Board with his concerns.

**MOTION:** Ken Wendt motioned to grant a variance to allow garage construction, back right corner 3 feet to be within 7 feet of property line, left side of garage seeking 10 feet to be within 5 feet of property line. Section 4 and Table 1 of the Town of Haddam Zoning Regulations. **Conditions:** 1. Standard permit Conditions. 2. Special Conditions/Modifications – No. **Exhibits:** 1. Applications. 2. Site Plan. Mary Hickish second. Motion carried 4-0-1 with Mr. Wendt abstaining.

Mr. Haynosch stated that the Board made the right decision and that he wanted to be good neighbor.

#### **5. Approval/Correction of the Minutes**

**28 February 2019 Public Hearing/Meeting minutes - Approval tabled.**

## **6. Open Discussion**

There was nothing new to discuss.

## **7. Adjournment**

**MOTION:** Mary Hickish motioned to adjourn. Ken Wendt second. Motion carried unanimously.

The meeting was adjourned at 8:40 p.m.

Respectfully Submitted,

*Bunny Hall Batzner*

Bunny Hall Batzner, Recording Clerk

**The next regular meeting is scheduled for Thursday, 30 May 2019.**